

STAFF REPORT

To: Southern Shores Planning Board
Date: January 14, 2019
Case: CUP-19-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: American Towers LLC/Verizon Wireless
10 Presidential Way
Woburn, MA 01801

Requested Action: Amendment of an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd.

PIN #: 986708785800
Location: 148A Ocean Blvd.
Zoning: RS-1, Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District
South- Residential; RS-1, Single-Family Residential District
East- Residential; RS-1, Single-Family Residential District
West- Residential; RS-1, Single-Family Residential District

Physical Characteristics: Developed (existing park owned and maintained by the SSCA)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant is requesting to amend an existing Conditional Use Permit to extend the height of the existing wireless facility located at 148A Ocean Blvd. CUP-13-01 was issued on November 6, 2013 to construct a new Wireless Telecommunications Site (130 ft. tall stealth flag pole and accessory equipment). The proposed plans show that the intent is to replace the 100 ft. to 130 ft. section of the existing tower and add a new 20 ft. Verizon Wireless antenna to the top, resulting in a final tower height of 150 feet.

Section 36-175 states that in no case shall a wireless support structure of any kind or any attached wireless facilities exceed 195 feet. However, the ordinance also states that the height of stealth structures designed to look like another structure or naturally occurring thing, i.e. a tree, shall not unreasonably exceed the height allowed for the type of structure or the typical thing they are designed to look like. The reasonableness of excess height shall be considered on an application by application basis and shall take into account the totality of the circumstances including specifically, the height needed to provide communications services and the wireless support structure's visual consistency with the area in which it will be located. In no case shall a

wireless support structure of any kind or any attached wireless facilities exceed the minimum height necessary to accomplish the purpose it is proposed to serve.

A Wireless Telecommunication Site is a permitted use in the RS-1, Single-Family Residential District provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan, and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.
- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Residential in the RS-1, Single-Family Residential zoning district which is consistent with the existing use. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that are applicable to this application have been identified or are addressed in the following recommended conditions from the original Conditional Use Permit:

1. The Conditional Use Permit shall expire if the improvements permitted are not completely constructed within 24 months of the date of the approval of a Building Permit.
2. If the Wireless Telecommunications Site is not operated for 180 continuous days in a 12-month period, it shall be considered abandoned and the applicant shall be responsible for the removal of all structures and equipment on the site within ninety (90) days of receipt of such notification by the Town.
3. The applicant must strictly abide by all other requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.